

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
v.	:	00-cr-0761-2 (JSR)
	:	
DIEGO B. RODRIGUEZ,	:	
	:	
Defendant.	:	<u>ORDER</u>
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JED S. RAKOFF, U.S.D.J.

Following a jury trial, Diego Rodriguez was convicted of racketeering, narcotics conspiracy, and murder in connection with the narcotics conspiracy. The Court sentenced him to concurrent terms of life imprisonment on the racketeering and murder counts and ten years' imprisonment on the conspiracy count. In September 2020, the Court granted Rodriguez a sentence reduction pursuant to 18 U.S.C. § 3582(c)(1)(A), finding that extraordinary and compelling reasons warranted reducing his sentence to 30 years' imprisonment, and that such a reduction was consistent with the sentencing factors identified in 18 U.S.C. § 3553(a). Dkt. No. 380.

On May 27, 2021, Rodriguez moved for a further sentence reduction pursuant to 18 U.S.C. § 3582(c), on the basis of Amendment 782 to the United States Sentencing Guidelines. The Court has previously denied motions by Rodriguez for resentencing pursuant to Amendment 782. See Dkt. Nos. 346 & 348. For the same reasons outlined in those orders, Rodriguez is ineligible for a

resentencing under that amendment. Specifically, with respect to the racketeering and murder counts, Rodriguez's offense level and sentence were based on crimes that do not involve drug amounts. And with respect to the conspiracy count, Rodriguez's sentence was the mandatory statutory minimum because the conspiracy involved more than one kilogram of heroin. See 21 U.S.C. § 841 (b) (1) (A). The motion is therefore denied.

The Clerk of the Court is directed to close the entry bearing docket number 403.

SO ORDERED.

Dated: New York, NY
May 28, 2021


JED S. RAKOFF, U.S.D.J.